

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

UNITED STATES OF AMERICA

Plaintiff

VS

RICHARD GARZA
AHMAD BOKAIYAN

Defendants

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4:19-CR-00232, et al.

Honorable Judge Ewing Werlein, Jr.

DEFENDANTS' UNOPPOSED MOTION TO CONTINUE TRIAL

TO THE HONORABLE JUDGE WERLEIN:

Defendants file this unopposed motion to continue trial and ask the Court for an order continuing trial for at least 90 days and would show as follows:

PROCEDURAL HISTORY

1. The Defendant, Mr. Richard Garza, is charged by indictment with one count of conspiracy, two counts of theft concerning programs receiving funds, three counts of wire fraud, and two counts of engaging in monetary transactions.
2. Co-defendant, Ahmad Bokaiyan is charged by indictment with one count of conspiracy, and three counts of wire fraud.
3. This matter is set for jury selection on June 10, 2019.

REQUEST FOR A CONTINUANCE

4. Although the allegations and evidence alleged in the indictment only span approximately a year, there have been years worth of Grand Jury Subpoenas (over

70) and involve a voluminous amount of discovery including individual file folders with over 6,000 pages of discovery, multiple years of banking records from multiple banking institutions, and multiple file folders that include Board Meeting minutes and personnel files. The government recently produced discovery, and through discussions, additional discovery is on the way. Counsel is now in the process of reviewing the material already disclosed. In short, all agree this matter fits precisely the cases contemplated by Congress as complex . *See* 18 U.S.C. § 3161 (7)(B)(ii).

5. The parties have telephonically discussed ways to further facilitate the review of discovery and intend to cooperate with such activity so that this matter can come to trial as soon as possible. However, as of the filing of this motion, the parties are simply not ready. The Defense needs additional time to review the matters produced recently. Although the parties have cooperated in an effort to speed up the discovery process due to the nature and material involved, along with the time span outlined in the indictment, there is a need for preparation time.
6. The government anticipates further disclosure of discovery; however, according to the government such disclosures should not be as voluminous as the production to date.
7. The Government is unopposed to Defendants' Motion to Continue Trial.
8. The Defendants have been contacted by Counsel and have no objections to the motion.
9. The parties have coordinated schedules and agree that a continuance of at least 90 days would be sufficient.

PRAYER

Counsels for Mr. Garza and Mr. Bokaiyan request the Court issue an order in accordance with this unopposed motion and grant continuance of trial for at least 90 days.

Respectfully submitted,

/s/ E. Matthew Leeper, Jr.
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Ahmad Bokaiyan

CERTIFICATE OF SERVICE

Matthew Leeper Jr. hereby certify that a true and correct copy of this document has been served to Assistant United States Attorney Quincy Ollison via electronic filing on May 16, 2019.

/s/ E. Matthew Leeper, Jr.
E. Matthew Leeper, Jr.

CERTIFICATE OF CONFERENCE

The foregoing motion was discussed with Assistant United States Attorney and he is unopposed. Counsel for Ahmad Bokaiyan joined the motion.

Dated: May 16, 2019

/s/ E. Matthew Leeper, Jr.
E. Matthew Leeper, Jr.